

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

FILED

HARRISBURG, PA

United States of America

v.

CHELSEA L. YOCUM

Date of Previous Judgment: September 28, 2005

(Use Date of Last Amended Judgment if Applicable)

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Case No: 1:CR-01-72-2USM No: 10623-067

Gerald A. Lord, Esq.

Defendant's Attorney

MAY 27 2008

V. YOCUM
 CHELSEA, CLERK
 Deputy Clerk

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 138 months is reduced to 126 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 32Amended Offense Level: 30Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 135 to 168 monthsAmended Guideline Range: 120* to 135 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

X The reduced sentence is within the amended guideline range.

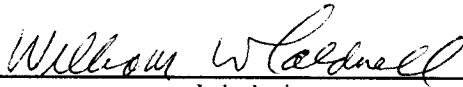
The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

X Other (explain): * 120 months reflects the statutory minimum pursuant to 21 U.S.C. § 841 (b)(1)(A)(iii). The otherwise applicable guideline term would be 108 months.

III. ADDITIONAL COMMENTS

We are aware that U.S.S.G. § 1B1.10(b)(2)(B) (Policy Statement) provides that a further reduction is "generally" not appropriate when the original sentence "constituted a non-guideline sentence determined pursuant to 18 U.S.C. § 3553(a) and United States v. Booker, 543 U.S. 220 (2005)" We are persuaded, however, that 126 months' imprisonment more accurately accounts for the crack-cocaine disparity.

Except as provided above, all provisions of the judgment dated Sept. 28, 2005 shall remain in effect.

IT IS SO ORDERED.Order Date: May 27, 2008


Judge's signature

Effective Date: _____
(if different from order date)
William W. Caldwell, United States District Judge
 Printed name and title